

Chapter ILHR 81

APPRENTICESHIPS, LICENSURES, REGISTRATIONS AND CERTIFICATIONS

<b>Subchapter I — Apprenticeships, Licenses and Registrations</b>	ILHR 81.304	Certification processing times (p. 23)
ILHR 81.001 Purpose (p. 1)	ILHR 81.31	Definitions (p. 23)
ILHR 81.002 Scope (p. 1)	ILHR 81.32	Administration and enforcement (p. 25)
ILHR 81.004 Permit processing times (p. 2)	ILHR 81.33	Authority (p. 25)
ILHR 81.01 Definitions (p. 2)	ILHR 81.34	Inspector certification (p. 26)
ILHR 81.02 Plumbing apprenticeship (p. 3)	ILHR 81.35	Independent inspection agency certification — in-plant inspections (p. 28)
ILHR 81.03 Registered learners (p. 6)	ILHR 81.36	Independent inspection agency certification — on-site inspections (p. 30)
ILHR 81.04 Qualifications for licensure examinations (p. 8)	ILHR 81.37	Suspension or revocation of certification (p. 31)
ILHR 81.05 Plumbing licensure examinations (p. 8)	ILHR 81.38	Certification fees (p. 33)
ILHR 81.06 Temporary permits (p. 10)	ILHR 81.39	Petition for rules or declaratory rulings (p. 33)
ILHR 81.07 Exchange of licenses without examination (p. 10)	ILHR 81.40	Private sewage system inspections (p. 33)
ILHR 81.08 Plumber licensure-retiree (p. 11)		
ILHR 81.09 Utility contractor license and registration of pipe layers (p. 11)		
ILHR 81.10 Licensing of automatic fire sprinkler fitters and contractors (p. 12)	<b>Subchapter III — Certification of Soil Testers</b>	
ILHR 81.11 Registration for the maintenance of automatic fire sprinklers (p. 15)	ILHR 81.601	Scope (p. 33)
ILHR 81.12 Expiration of licenses and registrations (p. 17)	ILHR 81.603	Certification processing times (p. 33)
ILHR 81.13 License and registration renewal (p. 18)	ILHR 81.61	Definitions (p. 34)
ILHR 81.14 Suspension and revocation of licenses (p. 19)	ILHR 81.62	Reports (p. 34)
ILHR 81.15 Suspension and cancellation of registrations (p. 20)	ILHR 81.63	Examining committee (p. 34)
ILHR 81.16 Examination, licensure and registration fees (p. 20-1)	ILHR 81.64	Application and examination (p. 35)
<b>Subchapter II — Certification of Plumbing Inspectors</b>	ILHR 81.645	Soil evaluation certification (p. 36)
ILHR 81.301 Purpose (p. 23)	ILHR 81.646	Soil mottling examination (p. 36)
ILHR 81.302 Scope (p. 23)	ILHR 81.65	Issuance of certificate (p. 36)
	ILHR 81.66	Renewal of certificate; delinquency and reinstatement (p. 37)
	ILHR 81.665	Soil tests by county employees (p. 37)
	ILHR 81.67	Revocation or suspension of certificate (p. 37)

Note: Chapters H 61 and 64 as they existed on April 30, 1983 were repealed and a new chapter ILHR 81 was created effective May 1, 1983.

**Subchapter I — Apprenticeships, Licenses and Registrations**

**ILHR 81.001 Purpose.** The purpose of this subchapter is to protect the health of the public by establishing minimum standards as to the qualification, activities and responsibilities of persons engaging or offering to engage in plumbing work or the installation of automatic fire sprinkler systems.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**ILHR 81.002 Scope.** The provisions of this subchapter apply to any person engaging or offering to engage in the construction, installation or maintenance of plumbing or automatic fire sprinkler systems.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**ILHR 81.004 Permit processing times.** Licenses, permits and registrations issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

History: Cr. Register, February, 1985, No. 350, eff. 3-1-85.

**ILHR 81.01 Definitions.** For the purpose of this subchapter, the following terms are defined:

- (1) "Approved" means acceptable to the department.
- (2) "Automatic fire sprinkler contractor" means an individual, firm or corporation as defined in s. 145.01 (1), Stats.
- (3) "Automatic fire sprinkler fitter" means a person as defined in s. 145.01 (6), Stats.
- (4) "Automatic fire sprinkler system" means an installation as defined in s. 145.01 (2), Stats.
- (5) "Automatic fire sprinkler system apprentice" means a person as defined in s. 145.01 (3), Stats.
- (6) "Business establishment" means any industrial or commercial organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.
- (7) "Department" means the bureau of plumbing within the department of industry, labor and human relations.
- (8) "Gross negligence" means a high degree of failure to exercise ordinary care of judgement and failure by omission or commission to discharge the duty required to protect the public health, safety and welfare.
- (9) "Incompetence" means conduct which evidences a lack of competence or ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of plumbing or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to plumbing and the state uniform plumbing code.
- (10) "Journeyman plumber" means a person as defined in s. 145.01 (7), Stats.
- (11) "Master plumber" means a person as defined in s. 145.01 (8), Stats.
- (11m) "Master plumber in charge" means a master plumber who assumes the responsibility for the installation of plumbing and training of apprentices and registered learners in accordance with ch. 145, Stats., and chs. ILHR 81 to 86.
- (12) "Misconduct" means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position; preparation of deficient or falsified reports; failure to submit information or reports required by law or contract when requested by the municipality or the department; conduct which evidences a lack of trustworthiness; misrepresentation of qualifications such

inspector may renew their respective plumbing license without payment of a late renewal fee and without licensure re-examination, if a renewal application is submitted within the licensure year when termination occurs. Failure to do so shall require reexamination to again qualify for licensure. Municipal inspectors who do not renew their respective plumbing licenses annually may not engage in the installation of plumbing in accordance with s. 145.06, Stats.

(b) *Utility contractor licenses.* Whenever a person fails to renew a utility contractor license for a period of 3 years, the department shall require evidence to show that the renewal applicant is competent to perform the work of utility contractor before such license is renewed.

(c) *Automatic sprinkler licenses.* Whenever a person fails to renew a sprinkler fitter or contractor license for a period of 2 years, the department shall require evidence to show that the applicant for renewal is competent to perform the work of either a contractor or journeyman fire sprinkler fitter before such a license is renewed.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; am. (3)(a) 1. and 2., Register, May, 1988, No. 389, eff. 6-1-88.

**ILHR 81.11 Suspension and revocation of licenses.** Pursuant to ss. 145.10 and 145.17, Stats., the department may suspend or revoke the license of any master plumber, journeyman plumber, master plumber-restricted, journeyman plumber-restricted, utility contractor, automatic fire sprinkler contractor, or journeyman automatic fire sprinkler fitter.

(1) **GENERAL.** The department may suspend or revoke a license for any of the following reasons:

- (a) The practice of fraud or deceit in obtaining a license;
- (b) Gross negligence, incompetence or misconduct in the practice or work allowed by the license;
- (c) Failure to correct an installation for which the licensee is responsible within the time prescribed by the department; and

Note: Section 145.10 (1), b., Stats., indicates that the correction of an installation must take place within 30 days following notification by the department of a violation.

- (d) Falsified information on an inspection form under s. 144.24 (10) c., Stats.

(2) **INVESTIGATIONS.** The department may conduct an investigation of any alleged violations of this chapter or chs. ILHR 82 and 83. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

(3) **SUMMARY SUSPENSION.** In accordance with s. 145.10 (1), Stats., the department may summarily suspend any license after providing not less than 10 days notice to the licensee, if it has reason to believe that the allegations in the complaints are justified. The summary suspension shall remain in effect until after a hearing finding is reached.

(4) **HEARINGS.** Hearings for the suspension or revocation of licenses shall be conducted as contested case hearings in accordance with ch. 227, Stats., and s. 145.10, Stats.

(5) **FINDINGS.** The department may make findings and enter its order on the basis of the facts revealed by its investigation. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(a) *Suspension.* The period for suspension shall be determined by the hearing examiner or the department. The period for suspension may not exceed one year. A person whose license has been suspended may have the license reinstated by filing a new application for licensure and payment of the appropriate fee specified in s. ILHR 81.16.

(b) *Revocation.* The period for revocation shall be determined by the hearing examiner or the department. The period for revocation shall not exceed one year. A person whose license has been revoked shall be eligible for licensure only after the time set for revocation by department order has passed. A person whose license has been revoked may have the license reinstated only after submitting a completed application for licensure examination, payment of the examination fee, passing of the examination and payment of the license fee specified in s. ILHR 81.16.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**ILHR 81.15 Suspension and cancellation of registrations.** The department may suspend or cancel the registration of any plumbing apprentice, registered learner, pipe layer, automatic fire sprinkler system apprentice, automatic fire sprinkler maintenance registration certificate or automatic fire sprinkler fitter maintenance registration certificate.

(1) **GENERAL.** The department may suspend or cancel a registration for any of the following reasons:

- (a) The practice of fraud or deceit in obtaining registration;
- (b) Failure to complete the apprenticeship or learner educational requirements of this subchapter;
- (c) Gross negligence, incompetence or misconduct in the practice or work allowed by the registration; and
- (d) Willful noncompliance with the apprenticeship or learner shop requirements needed to obtain registration.

(2) **COMPLAINTS TO APPRENTICESHIP AND TRAINING DIVISION.** The department may file a complaint with the apprenticeship and training division of the department of industry, labor and human relations regarding violations of this chapter or chs. ILHR 82 and 83 and request that action be taken to terminate or reassign the apprenticeship contract or agreement.

(3) **NOTICE OF SUSPENSION OR CANCELLATION.** Upon suspension or cancellation of any registration, the department shall notify the affected persons in writing stating the reasons for suspension or cancellation. The notice shall be made by affidavit of mailing or certified mail sent to the address filed with the application for registration.

(4) **HEARINGS.** Upon receipt of notice of registration, suspension or cancellation, the registrant may submit a written request for a contested case hearing in accordance with ch. 227, Stats. The right to hearing shall be considered waived, if the registrant fails to submit the request within

30 days after notice of registration, suspension or cancellation. Hearings shall be conducted by the department.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**ILHR 81.16 Examination, licensure & registration fees. (1) MASTER PLUMBER.** The fees shall be as follows for master plumber:

(a) *Examination fee.* Master plumber examination, \$50. Each subsequent examination, \$30.

**Next page is numbered 21**